

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

KURT F. WILKENING,

Plaintiff,

v.

**VEOLIA ES EVERGREEN LANDFILL,
INC., a Georgia corporation; and VEOLIA
ES PECAN ROW LANDFILL, LLC, a
Georgia limited liability corporation,**

Defendants.

Civil Action 7:10-CV-122 (HL)

ORDER

The Court has received a letter dated November 29, 2011 from counsel for Defendants in which he seeks permission to file a motion to strike portions of the affidavit submitted by Plaintiff in support of his reply brief in support of his summary judgment motion. From this and the letter submitted by defense counsel on November 21, 2011, the Court understands that Defendants contend there are inherent inconsistencies between Plaintiff's deposition testimony and his affidavit testimony. If that is in fact the case, the Court will deal with that issue when ruling on the summary judgment motion. In the Court's opinion, an additional round of briefing on that matter is not necessary.

SO ORDERED, this the 30th day of November, 2011.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh